

IN RE: PETITION FOR VARIANCE
N/S Corbett Road, 1100' E of
Centerline of York Road
8th Election District
3rd Councilmanic District
(624 Corbett Road)

Janet M. Huber
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-493-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owner of the subject property, Janet M. Huber. The Petitioner is requesting a variance for an unimproved parcel of property she owns at 624 Corbett Road, located in the Monkton area of Baltimore County. The subject property is zoned R.C.5. The variance request is from Section 1A04.3.B.2, to allow a setback of 40 ft. for a proposed dwelling in lieu of the required 50 ft. and to amend the final development plan for Sattlers Woods, Lot 9. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the hearing on behalf of the request was Janet M. Huber. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is known as Lot No. 9, which consists of 2.028 acres, more or less. The lot is unimproved at this time. Ms. Huber wishes to construct her single family residential dwelling on the lot. Because of an extensive amount of rock and a sharp grade to the rear of the property, Ms. Huber wishes to locate her home towards the front corner of the subject lot. In order to do so, a variance is requested.

ORDER RECEIVED FOR FILING

Date

5/62/99

34

R. Spawson

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

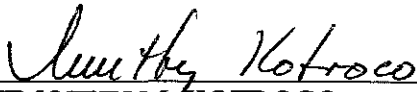
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED this 2nd day of August, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A04.3.B.2, to allow a setback of 40 ft. for a proposed dwelling in lieu of the required 50 ft. and to amend the final development plan for Sattlers Woods, Lot 9 in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

ORDER RECEIVED FOR FILING
Date 8/2/99
By J.R. Anderson

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED FOR
8/2/99
R. J. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 2, 1999

Ms. Janet M. Huber
10704 Westcastle Place, T-2
Cockeysville, Maryland 21030

Re: Petition for Variance
Case No. 99-493-A
Property: 624 Corbett Road

Dear Ms. Huber:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Stephen R. Smith, President
Gaylord Brooks Realty Co.
3312 Paper Mill Road
Phoenix, Maryland 21131

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on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County #21111
for the property located at 624 Corbett Rd, Monkton, MD.
which is presently zoned RE5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.2

TO PERMIT A SETBACK OF 40' FOR A PROPOSED DWELLING
IN LIEU OF THE REQUIRED 50'. AND TO AMEND THE APPROVED
FINAL DEVELOPMENT PLAN FOR SATTLEERS WOODS, LOT 9.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

(See Attachment)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

JANET M. HUBER
Name - Type or Print
Janet M. Huber
Signature
10704 Westcastle Place, T-2, Cockeysville MD. 21030
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

8/2/99
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

President of Gaylord Brooks
Stephen R. Smith, Realty Co. for Sattlers
Name - Type or Print
Woods LLC
Signature

Name - Type or Print
Signature
3312 Paper Mill Road 410-667-0800
Address Telephone No.
Phoenix MD 21131
City State Zip Code

Representative to be Contacted:

Name
Address Telephone No.
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By LT M/JF Date 6/7/99

REC 9/15/98

Case No. 99-493-A

ORIGINAL RECEIVED FOR FILING

Date 8/2/99

**PERMISSION TO MOVE PROPOSED LOCATION OF HOUSE TO BE
CONSTRUCTED TEN FEET (10') TO THE LEFT. THIS PLACES HOUSE
FORTY FEET (40') DISTANCE FROM ELECTRICAL HOUSING UNIT IN LIEU
OF REGULATION FIFTY FEET (50') TO ACCOMPLISH THE FOLLOWING:**

- **Avoid costly hardship of using dynamite or explosives to blast obvious rock formations located on property;**
- **Present envelop configuration places house approximately two feet (2') from a steep incline on right and closer to visible rock formations;**
- ***Owner/builder financial hardship; and***
- **To amend Sattler's Woods Lot 9 on SM 68 and folio ll.**

ZONING DESCRIPTION FOR 624 CORBETT ROAD, 21111

Beginning at a point on the north side of Corbett Road which is 30 feet wide at a distance of approximately 1100 feet east of the centerline of the nearest improved intersecting street York Road which is 66 wide. Being Lot # 9 in the subdivision of Sattlers Woods as recorded in Baltimore County Plat Book #68, Folio #11, containing 86565 square feet. Also know as 624 Corbett Road and located in the 8th Election District, 3rd Councilmanic District.

493

99-493-A

BALTIMORE COUNTY, MA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 065397

DATE 6-7-99 ACCOUNT E-001-G150

AMOUNT \$ 100.00

RECEIVED FROM: Janet M. Huber
034 Corbett Rd. Taken by: LTM/SF
FOR: 99-493-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

FORGESS ACTUAL TIME
6/8/1999 6/8/1999 10:20:02
NTG MEND CASHIER LSK LXS DROMER
Dept 5 528 ZONING VERIFICATION
Receipt # 095437
CR NO. 065397

Receipt Tot 100.00
100.00 OK .00 (1)
Baltimore County, Maryland

CASHIER'S VALIDATION

99-493-A

Notice of Zoning Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations, hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #60-493-A
824 Garbett Road
N/S Garbett Road
between York Road 1100' E of
5th Election District
3rd Councilmatic District
Legal: Owners: Settlers
Woods, LLC
Contract Purchaser: Huber

Verdict: to permit a setback of 40 feet for a proposed dwelling in lieu of the required 60 feet and to amend the proposed Final Development Plan for Settlers Woods, Lot 2.
Hearing: Thursday, July 22, 1999 at 9:00 a.m. in Room 407 County Courts Bldg., 407 Bostley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are special accommodations for the Commissioner's Office at (410) 987-4386. (2) For information concerning the Zoning Review OK, please call (410) 987-3391.

0322881

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/11, 1999.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.:

99-493-A

Petitioner/Developer:

JANET HUBER,
PRICE, ETAL

Date of Hearing/Closing:

7/22/99

@ 900 A

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #624 CORBETT RD.

The sign(s) were posted on

7/5/99

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

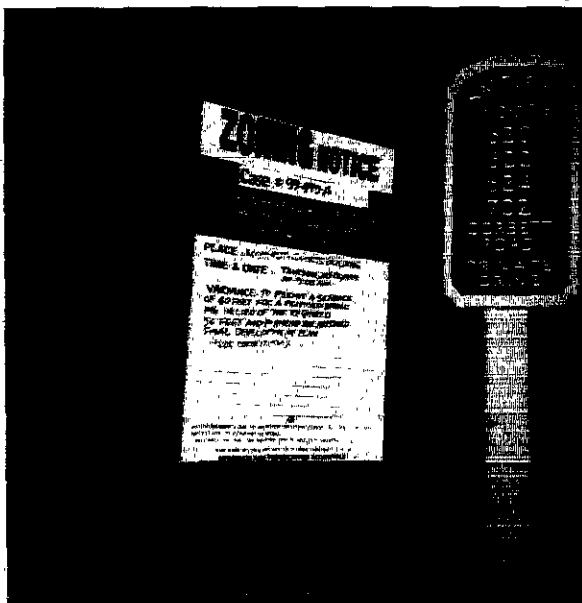
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



99-493-A

624 CORBETT RD.

PRICE ETAL

7/22/99

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-493-A

Petitioner: Stephen R. Smith

Address or Location: 624 Corbett Rd., Monkton, Md. 21111

PLEASE FORWARD ADVERTISING BILL TO:

Name: Janet M. Huber

Address: 10704 Westcastle Place, T-2
Cockeysville, Md. 21030

Telephone Number: 410-667-8782 (h) 410-368-5428 (w)

Revised 2/20/98 - SCJ

99-493-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 21, 1999


NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-493-A
624 Corbett Road
N/S Corbett Road, 1100' E of centerline York Road
8th Election District – 3rd Councilmanic District
Legal Owner: Sattlers Woods, LLC
Contract Purchaser: Janed M. Huber

Variance to permit a setback of 40 feet for a proposed dwelling in lieu of the required 50 feet and to amend the approved Final Development Plan for Sattlers Woods, Lot 9.

HEARING: Thursday, July 22, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

c: Sattlers Woods LLC
Janed M. Huber

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 7, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
July 1, 1999 Issue – Jeffersonian

Please forward billing to:

Janet M. Huber

10704 Westcastle Place, T-2

Cockeysville, MD 21030

410-667-8782 (home)

410-368-5428 (work)

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-493-A

624 Corbett Road

N/S Corbett Road, 1100' E of centerline York Road

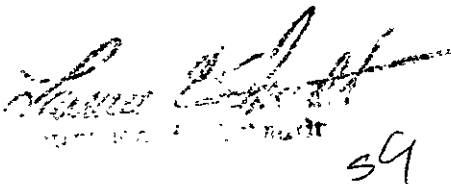
8th Election District – 3rd Councilmanic District

Legal Owner: Sattlers Woods, LLC

Contract Purchaser: Janet M. Huber

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HEARING: Thursday, July 22, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



sg

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 9, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 21, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

9. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

486, 487, 488, 489, 490, 491, 492, 493, 494, 495,
496, 497, 498, 499, 500

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 387-4831, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: July 1, 1999

FROM: *RWB* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for June 28, 1999
 Item Nos. 489, 490, 492, 493, 495,
 496, 498, 499, 500

and

Revised Petition & Plans Received
for CASE NUMBER 98-467-SPHA
St. Joseph Medical Center
7601 Osler Drive

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: June 25, 1999

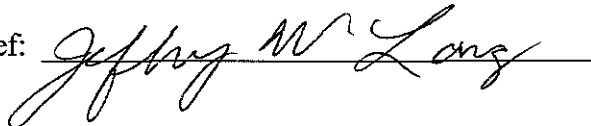
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 493, 494, 496, 498, and 500

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RS*
DATE: July 9, 1999
SUBJECT: Zoning Item #493
1146 E. Riverside Ave

Zoning Advisory Committee Meeting of June 21, 1999

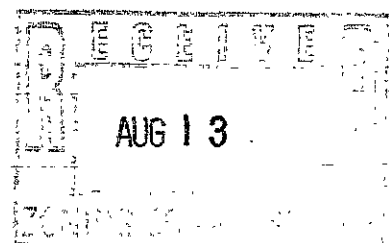
- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X The original well must be abandoned and sealed by a licensed well driller prior to building permit approval.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: August 4, 1999
SUBJECT: Zoning Item #493
624 Corbett Road

Zoning Advisory Committee Meeting of June 21, 1999

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
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RE: PETITION FOR VARIANCE
624 Corbett Road, N/S Corbett Rd, 1100' E of c/l York Rd
8th Election District, 3rd Councilmanic


Legal Owner: Sattlers Woods LLC
Contract Purchaser: Janet M. Huber
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-493-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Stephen Smith, Sattlers Woods LLC, 3312 Paper Mill Road, Phoenix, MD 21131, and to Contract Purchaser Janet M. Huber, 10704 Westcastle Place, Apt. T-2, Cockeysville, MD 21030, Petitioners.


PETER MAX ZIMMERMAN

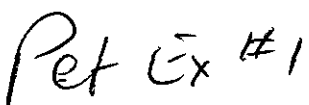
earing

see pages 5 & 6 of the CHECKLIST for additional material

SATTYKERS' Woods

lot # 11, section # 9

DET HUBER



LOCATION INFORMATION

W

25-75

—

acreage	2.028	square feet	8834
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SEWER: ☐ public ☒ private

WATER: ☐ ☒

☐ ☒

Prior Zoning Hearings

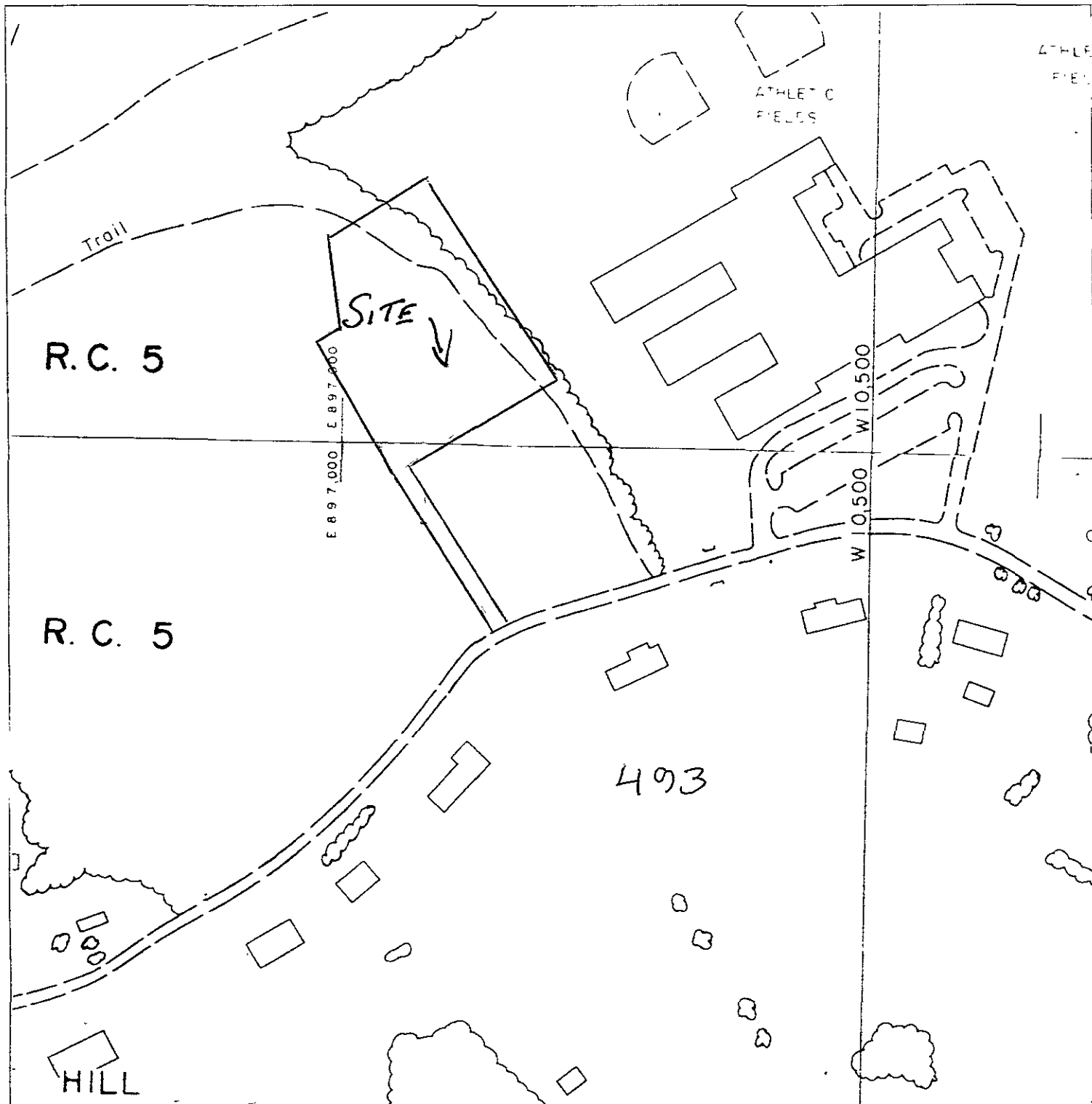
None

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
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$$\frac{LTM}{JF}$$

493



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

NORTH OF
PINEY HILL

SHEET

N.W.
25-B
26-B

99-493-A